

From: Larry Simmers
To: Microsoft ATR
Date: 11/16/01 4:03pm
Subject: oppose proposed MS settlement

Renata Hesse,

In regards to the proposed settlement, the text of which I read at:

<http://www.usdoj.gov/atr/cases/f9500/9549.htm>

I wish to register my very strong dissatisfaction with the government wimping out and essentially letting Microsoft promise not to do such illegal acts any more. Letting them get off with violations of the law without any penalties and nothing stronger than another version of the consent decree of '95 is laughable.

Years from now when the government has to go after MS again for their monopoly over PDAs, set-top boxes, or web-browsing cell phones people will point to this as when the DOJ should have achieved a meaningful settlement.

In particular the section on "Enforcement Authority" appears to be meaningless.

"Enforcement by the United States or plaintiff States may include any legal actions or proceedings that may be appropriate to a particular situation, including petitions in criminal or civil contempt, petitions for injunctive relief to halt or prevent violations, motions for declaratory judgment to clarify or interpret particular provisions, and motions to modify the Final Judgment"

Except for state or federal action finding Microsoft in contempt of the order, I don't see how this so called enforcement creates any different situation than if Microsoft was never found to have violated the law.

Even though I'm from MA I'm a registered Republican and supported President Bush's election. I am disgusted that he would cowtow to industry this badly. I believe in minimal government intrusion in industry but have personally experienced the downside of Microsoft's monopolistic control of PC/Windows usage.

I set up a Passport account to provide follow on information to a serious error report that Windows XP sent to Microsoft. When I did so I was also set up with Windows Messenger and was online, without my knowledge or consent. It was only because I noticed the icon in the systray change that I even knew I was online. I had to find the information to hack a system file to allow me to remove Windows Messenger from my system, and this is the kind of thing MS will keep doing.

It wasn't necessary to settle this weakly to remove any negative effect of this anti-trust case on the economy.

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